



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

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## STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2012-36

Legistar #: 20120827

Board of Zoning Appeals Hearing: Monday, September 24, 2012 – 6:00 p.m.

Applicant: Same as owner

Property Owner: John M. Azar  
Azar and Company  
1695 Virginia Avenue  
College Park, GA 30337

Address: 514 Atlanta Street

Land Lot: 02900 District: 17 Parcel: 0040

Council Ward: 3 Existing Zoning: LI (Light Industrial)

### Special Exception / Special Use / Variance(s) Requested:

1. Variance to waive the 75' minimum public right-of-way frontage requirement in order to construct a freestanding sign. [§ 714.04 (E)]

### Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

### Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

### PICTURES



Aerial view of site



**514 Atlanta Street**

**Recommended Action:**

**Denial.** John Azar is requesting a variance to install a freestanding sign at the property located at 514 Atlanta Street. The property is zoned LI (Light Industrial) and is surrounded by other properties also zoned LI. An auto repair business operates at this location. The applicant also owns 518 Atlanta Street, which is located immediately to the south and is currently vacant.

Section 714.04 (E) allows one freestanding sign for each property line that abuts a public-right-of-way for a distance of at least 75 feet. Together, 514 & 518 Atlanta Street have enough frontage to meet this requirement. However, separately 514 Atlanta Street appears to have approximately ~55' of frontage and 518 Atlanta Street only ~25.' The applicant is asking to waive the 75' frontage requirement for 514 Atlanta Street so a freestanding sign may be constructed.

It should be noted that there is an alternative solution available to the applicant other than an appeal to the Board of Zoning Appeals. Combining both parcels into one by filing an exemption plat with the city would not only solve the issue with the sign but would also eliminate the property line running through the center of the building. As a result, the situation presented does not constitute a justifiable hardship or reason for appeal, as there are feasible options available to the applicant. *Staff recommends denial of this variance request.*